

**78B-6-315 Noncompliance with child support order.**

- (1) When a court of competent jurisdiction, or the Office of Recovery Services pursuant to an action under Title 63G, Chapter 4, Administrative Procedures Act, makes an order requiring a parent to furnish support or necessary food, clothing, shelter, medical care, or other remedial care for his child, and the parent fails to do so, proof of noncompliance shall be prima facie evidence of contempt of court.
- (2) Proof of noncompliance may be demonstrated by showing that:
  - (a) the order was made, and filed with the district court; and
  - (b) the parent knew of the order because:
    - (i) the order was mailed to the parent at his last-known address as shown on the court records;
    - (ii) the parent was present in court at the time the order was pronounced;
    - (iii) the parent entered into a written stipulation and the parent or counsel for the parent was sent a copy of the order;
    - (iv) counsel was present in court and entered into a stipulation which was accepted and the order based upon the stipulation was then sent to counsel for the parent; or
    - (v) the parent was properly served and failed to answer.
- (3) Upon establishment of a prima facie case of contempt under Subsection (2), the obligor under the child support order has the burden of proving inability to comply with the child support order.
- (4) A court may, in addition to other available sanctions, withhold, suspend, or restrict the use of driver's licenses, professional and occupational licenses, and recreational licenses and impose conditions for reinstatement upon a finding that:
  - (a) an obligor has:
    - (i) made no payment for 60 days on a current obligation of support as set forth in an administrative or court order and, thereafter, has failed to make a good faith effort under the circumstances to make payment on the support obligation in accordance with the order; or
    - (ii) made no payment for 60 days on an arrearage obligation of support as set forth in a payment schedule, written agreement with the Office of Recovery Services, or an administrative or judicial order and, thereafter, has failed to make a good faith effort under the circumstances to make payment on the arrearage obligation in accordance with the payment schedule, agreement, or order; and
    - (iii) not obtained a judicial order staying enforcement of the support or arrearage obligation for which the obligor would be otherwise delinquent;
  - (b) a custodial parent has:
    - (i) violated a parent-time order by denying contact for 60 days between a noncustodial parent and a child and, thereafter, has failed to make a good faith effort under the circumstances to comply with a parent-time order; and
    - (ii) not obtained a judicial order staying enforcement of the parent-time order; or
  - (c) an obligor or obligee, after receiving appropriate notice, has failed to comply with a subpoena or order relating to a paternity or child support proceeding.

Renumbered and Amended by Chapter 3, 2008 General Session